

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of		)
		)
	Byron Merrell et al.	)
		)
Serial No.:	10/767,838	) Art Unit
		) 1764
Filed:	January 29, 2004	)
		)
Confirmation No.:	2983	)
		)
For:	RETORT HEATING APPARATUS	)
	AND METHODS	)
		)
Examiner:	Alexis A. Wachtel	)

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

Commissioner for Patents  
PO Box 1450  
Alexandria, Virginia 22313-1450

Dear Sir:

Applicant respectfully disagrees in part with the Examiner's Statement of Reasons for Allowance as set forth in the communication mailed on September 8, 2006. The Applicant concurs with the Examiner's conclusion that the prior art does not suggest or render obvious the claimed invention.

However, Applicant respectfully submits that the claimed invention as set forth in each of the independent claims and the dependent claims must be read as a whole, and not as a single feature or subcombination of features which represent less than the entirety of the claimed invention as a whole. While a particular feature or subcombination of features referred to by the Examiner in the Statement of Reasons for Allowance may represent a basis for distinguishing the claimed invention over the prior art, Applicant submits that this may not necessarily be the *sole* ground for distinguishing the claimed invention over the prior art of record. Accordingly, the Examiner's statement should, in Applicants' view, not be read as constituting or meaning that the invention can or should be reduced to a single "feature" of the invention or to a subcombination of features that is less than the entire invention claimed as a whole, nor that the single feature referenced by the Examiner or

subcombination of features referenced by the Examiner in the Statement of Reasons for Allowance is the only or sole grounds for distinguishing the invention over the prior art of record.

Dated this 7<sup>th</sup> day of December 2006.

Respectfully submitted,

/Dana L. Tangren/ Reg. # 37246

DANA L. TANGREN

Attorney for Applicant  
Registration No. 37,246  
Customer No. 022913  
Telephone No. 801.533.9800

DLT:dfw

W:\15621\1\DFW0000020793\001.doc